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REMARKS

The Examiner has objected to the specification due to informalities. Applicant has clarified the specification to avoid such objections.

The Examiner has objected to the drawings. Amendments have been made hereinabove to the specification, in order to avoid such objections. Such amendments conform the specification to the drawings, as originally filed. Thus, no new matter has been added.

The Examiner has rejected Claims 4, 8, 22 and 40 under 35 U.S.C. 112, second paragraph, as being indefinite. Applicant has cancelled Claims 4, 22 and 40 which renders such rejection moot. Applicant has clarified Claim 8 to avoid such rejection.

The Examiner has rejected Claims 1-18 under 35 U.S.C. 101 as being directed toward non-statutory subject matter. Applicant has amended the associated independent claims to include "embodied on a computer readable medium" in order to overcome such rejection.

The Examiner has rejected Claims 1-54 under 35 U.S.C. 102(e) as being anticipated by Lahti et al. (U.S. Patent Application Publication No. 2002/0042886). Applicant respectfully disagrees with such rejection, especially in view of the vast amendments made to each of the independent claims.

Specifically, applicant has amended each of the independent claims to incorporate the following subject matter in order to clarify what is claimed:

"wherein said mobile data processing device registers with a base station of said wireless telephony network when said link is established such that said base station and said wireless telephony network are notified of a telephone

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number of said mobile data processing device for use in sending said malware definition updating data to said mobile data processing device;

wherein when received data is received at said mobile data processing device, a type of said received data is identified to determine if said received data is said malware definition updating data, such that if said received data is said malware definition updating data, a digital signature associated with said malware definition updating data is verified;

wherein if said digital signature is not verified, said malware definition updating data is ignored;

wherein if said digital signature is verified, said malware definition updating data is utilized to update malware definition data stored upon said mobile data processing device by appending said malware definition updating data to said malware definition data;

wherein said malware definition updating data is provided in a malware definition updating file, where said file is generated by one of automatically, semi-automatically, and manually upon an analysis of newly discovered malware and where said file includes a detection fingerprint, and at least one of a removal action and a disinfection action to be taken in response to a detection of said newly discovered malware;

wherein said mobile data processing device is identified by a database of subscribers to an update service associated with said malware scanner, where said database includes said telephone number of said mobile data processing device to which said malware definition updating data is to be sent and a type of said mobile data processing device such that only malware definition updating data that is appropriate to said type of said mobile data processing device is sent to said mobile data processing device" (see the same or similar, but not necessarily identical language in each of the independent claims).

The Examiner is reminded that a claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described in a single prior art reference. *Verdegaal Bros. v. Union Oil Co. Of California*, 814 F.2d 628,

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631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987). Moreover, the identical invention must be shown in as complete detail as contained in the claim. *Richardson v. Suzuki Motor Co.* 868 F.2d 1226, 1236, 9USPQ2d 1913, 1920 (Fed. Cir. 1989). The elements must be arranged as required by the claim.

This criterion has simply not been met by the Lahti reference, especially in view of the clarifications made hereinabove to each of the independent claims.

Thus, all of the independent claims are deemed allowable. Moreover, the remaining dependent claims are further deemed allowable, in view of their dependence on such independent claims.

In the event a telephone conversation would expedite the prosecution of this application, the Examiner may reach the undersigned at (408) 505-5100. The Commissioner is authorized to charge any additional fees or credit any overpayment to Deposit Account No. 50-1351 (Order No. NAIIP449/01.143.01).

Respectfully submitted,
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